

IN THE SENATE OF THE UNITED STATES.

JUNE 8, 1860.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany bill H. R. 79.]

*The Committee on Claims, to whom was referred House bill No. 79, entitled "A bill for the relief of James Henderson," have had the same under consideration, and thereupon report:*

The following is the report accompanying the House bill:

IN THE HOUSE OF REPRESENTATIVES, *March 23, 1860.*

*The Committee on Claims, to whom was referred the bill (No. 79) for the relief of James Henderson, have had the same under consideration, and beg leave to report:*

That the evidence is clear as to the services of claimant as cook at the marine barracks, navy-yard, Washington. Captain H. B. Tyler, commanding the marines at the navy-yard, Washington, certifies that "the services as charged in the account have been performed, and were requisite for the public service." Captain Tyler also approved the claim June, 1854, but it was never paid, owing to a neglect on the part of the officer in not making a proper return to the department, according to regulations. Your committee do not think it reasonable or just that the cook, who discharged his duty faithfully, should be made to suffer through the neglect or inadvertence of his officer; they therefore report back the bill without amendment, and recommend its passage.

Your committee having called for information upon the Navy Department, have received the following reply:

NAVY DEPARTMENT, *June 7, 1860.*

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, inclosing papers in the case of James Henderson, and

to transmit herewith a copy of a report from the commandant of the marine corps on the subject of Henderson's claim.

The papers are returned.

I am, respectfully, your obedient servant,

I. TOUCEY.

Hon. S. R. MALLORY,

*Chairman Committee on Naval Affairs, U. S. Senate.*

HEADQUARTERS MARINE CORPS, WASHINGTON,

June 6, 1860.

SIR: I have the honor to acknowledge the receipt of your letter inclosing one from the Hon. S. R. Mallory, that was accompanied by certain papers in relation to a claim of James Henderson for *per diem* as cook at the marine barracks, navy-yard, Washington, and reply, I can furnish no information that is not contained in the papers. I will state, however, that it is the custom of an enlisted soldier to cook for the men at each of the marine posts; but it is not usual for them to receive extra pay for that service, and it is evident, from the time the account was rendered, Henderson did not expect it when the work was done. It is true Captain Tyler certifies that he performed the duty, but it is evident he did not intend, at the time the duty was performed, that he should receive extra pay, or he would have mustered him agreeably to army regulations. There are many men in the marine corps that have stronger claims for extra pay than Henderson, as they have cooked for a greater number of men; and to allow this one, would open the accounts of them all.

I herewith return the papers sent me by the department, relative to the claim of Henderson.

I am, sir, very respectfully, yours,

JNO. HARRIS,

*Colonel Commandant.*

Hon. ISAAC TOUCEY,

*Secretary of the Navy.*

Upon this explanation, it is evident that this claim is without foundation. Cooks are not specially appointed, or paid as such, at marine stations. Usually, a marine volunteers, or is detailed, and, while cooking, is relieved from guard and all other duty. The recognition of this claim would be followed by similar claims from the cooks at the same and other stations, before and since the date of this service. The committee think the claim ought to be rejected, and recommend the adoption of the resolution following:

*Resolved, That the bill be rejected.*